

**Benton County Planning Board
Technical Advisory Committee Meeting Minutes
April 2, 2008, 5:30 p.m.**

Call to Order & Roll Call: The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone, Adele Lucas, Tim Sorey; Heath Ward was not present. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis and Karen Stewart.

Announcements:

Ms. Pope updated the Board on Donna Mack Martinez's project; she stated that Staff had received a letter from her attorney requesting a time extension so that they could determine whether or not the Board's requirements are valid.

Ms. Pope also announced an addition to the agenda: Jim Leemasters was added to New Business before the Fairmount Fire Station.

Ms. Pope asked that anyone who comes up to the podium to speak, please use the microphone. She then stated that all of the Planning Development staff was present at the meeting. She stated that the Board was familiar with Karen Stewart and Kathleen Davis; she introduced Kim Arnett, Building Permit Technician; Wesley Davis, Building Inspector; Bryan Lockamy, Building Inspector; and Glenn Tracy, Chief Building Inspector. Ms. Pope stated that she wanted the Board to see the Planning Department Staff and that she wanted Planning Staff to see the Board's process.

Old Business:

1. Informal Plat – **Eva Meadows** - Nicodemus Church Road, Siloam Springs – James Surveying

There was no representation for this project; Mr. Sorey moved it to the end of the agenda.

New Business:

1. Large Scale Development Inquiry - **Jim Leemasters** - Kelly Road, Gravette

Ms. Pope noted that Mr. Leemasters was in the audience and stated that he wanted to find out whether or not he would need to go through the large scale development process. She said that he would have entertainment on his property; Mr. Leemasters interjected that it would be free entertainment. Ms. Pope showed photographs of the site, noting that it is west of Gravette off of Highway 72 on Kelly Road.

Ms. Pope asked if the building in the photograph would be where Mr. Leemasters would be operating; Mr. Leemasters stated that it was and said that the building is currently 40' by 80' and that he would like to add 20' by 40' to it to be used as a dock area. He added that he would like to use the building to hold an auction on Friday nights for

approximately 5 hours. He informed the Board that he had already contacted the Health Department and has someone coming to the property to "do a scale on my septic system." He has also contacted contractors about his plumbing and electrical work; he stated that he was advised by them to contact Planning regarding acquiring a permit for the addition.

Mr. Leemasters stated that he had contacted all of his neighbors regarding the proposed use of the building: "They're all for it."

Mr. Borman asked what Mr. Leemasters would be auctioning; Mr. Leemasters answered that it would be a consignment auction of miscellaneous items. Mr. Borman noted that parking would be necessary; Mr. Leemasters agreed, stating that he had a field that was eight acres, 5 acres of which would be used for parking.

Mr. Borman stated that due to the necessity of parking and the fact that Mr. Leemasters is working on acquiring all of the necessary permits, "I probably wouldn't be averse to handling it real similar to how we handled the craft fairs over on Spanker, where there are some requirements that they need to follow, but obviously others are not going to apply." Ms. Lucas agreed with Mr. Borman.

Ms. Pope asked if this would be a seasonal business; Mr. Leemasters answered that if the business did well that he would like to keep it open summer and winter, but that he had some dirt work on the parking area to finish; he stated, "I have water that pours down through that valley..."

Ms. Pope clarified that her question to the Board would be what level of large scale development Mr. Leemasters would need to comply with; she asked if the Board would be satisfied with a hand-drawn site plan. She stated that Mr. Leemasters had indicated that he already had a survey of his property.

Mr. Borman stated that the project would need to go through the survey process and the public notification portion of the large scale development process, in order to give Mr. Leemasters' neighbors the opportunity to express their opinion. Mr. Borman asked if auction items would be brought in by tractor trailer; Mr. Leemasters stated that they would not, and that items would be brought by individuals by small trucks and trailers.

Mr. Leemasters stated that a new driveway would be cut in and that Benton County didn't have an issue with it; Mr. Borman stated that the site plan needed to reflect that.

Ms. Pope asked if the Board thought that Mr. Leemasters needed a professional site plan; Mr. Borman stated that since there would be parking and drainage issues that the applicant would need a professional site plan. Mr. Henry stated that the dirt work was an added factor; Mr. Gray concurred.

Mr. Sorey asked when the original building was constructed; Mr. Leemasters stated that it had been there for seven to eight years, but that he had recently added electricity. He stated that he would simply like to add 20' by 40' to the existing building.

Mr. Borman stated that with the proposed addition and the addition of a driveway, a site plan would be necessary. Ms. Pope observed that it sounded like the Board would require a full large scale development application. All the Board members agreed. Mr. Leemasters asked what the large scale development process would involve financially,

explaining that, "I've already dumped \$40,000 into this project and I've got concrete waiting, I've got building materials waiting, plumbers, electricians..." Ms. Pope stated that if the Board is requiring a large scale development application, all of these things would need to be put on hold for the time being.

Mr. Sorey stated that Mr. Leemasters could still obtain a building permit and make the addition to his building, but the Board needed to deal with the use of the building. Ms. Pope pointed out that the building permit is how Planning enforces the rules; if Mr. Leemasters receives his building permit, it would be difficult to make him come back before the Board with a large scale development application.

Mr. Sorey argued that it would be no different than if he obtained a permit, completed the addition, then the Board found out later that the applicant was using the building for a business. Mr. Leemasters stated that he was attempting to abide by the rules. Mr. Sorey expressed that he had a level of confidence that Mr. Leemasters would come back in for the large scale application; Mr. Leemasters stated that he had already been in contact with a surveyor.

Ms. Pope stated that she was not comfortable with issuing the building permit. Mr. Borman asked if the applicant would require a certificate of occupancy on the remodel; Ms. Pope stated that he would. Mr. Borman suggested that the completion of the large scale development application process be a condition of receiving the certificate of occupancy. Ms. Lucas interjected that this case could be similar to "the veteran that kept coming in... he kept building even though we kept telling him to stop." Ms. Pope said, "I don't think we need to approach it this way. This is not what we've done in the past."

Ms. Lucas noted that the Board had ordered the aforementioned veteran to stop construction on his project. Mr. Sorey stated that the issue in this case is that the applicant already has the building built, but is simply not using it the way he would like to. Ms. Lucas noted that he has it built except for the additional 20 feet. Mr. Leemasters added that he could use his building the way it is, but would like to add a dock area to protect consigned items from the weather.

Ms. Lucas asked how long it would take to get the survey and the large scale development application done; Ms. Pope estimated it would take one month. Mr. Sorey stated that the applicant already has a survey, so it would not take long. Ms. Lucas stated that the applicant would have to give notice to his neighbors; Mr. Sorey stated that Benton County's process would be what takes time.

Mr. Leemasters stated that as long as he could begin building and acquire the items he needs, he would have no issue with hiring a surveyor, he just did not like having all of the subcontractors waiting. Ms. Pope stated that the Board was sympathetic to his situation, but that many applicants in similar situations had been put on hold and not allowed to obtain a building permit without fulfilling the large scale development requirements. She gave the example of Mr. Bryan Anderson of Serenity Point who was not allowed electricity to his building until the Board was satisfied with his large scale development application. She reiterated that the building permit should not be issued until the Board gives the large scale development approval.

Mr. Leemasters stated that that was why he was present - to gain the approval of the Board; Ms. Pope informed him that he would need to meet Benton County's large scale development requirements before that would be possible.

Mr. Leemasters stated that Rebecca Corbitt would be at his site the following Friday to layout the site plan; Mr. Sorey asked if it would be feasible for Mr. Leemasters to have a site plan drawn up either by Ms. Corbitt or his surveyor in two weeks. Mr. Leemasters stated that he believed it was feasible. He added that his sole purpose in appearing before the Board was to find out what he needed to do in order to comply with Benton County's requirements.

Mr. Sorey asked if public notification had been made; Ms. Pope answered that it had not. Mr. Leemasters reiterated that he had spoken with his neighbors and that none of them had any issues with the proposed use of the building. Mr. Sorey explained that Benton County requires a certified letter be sent to adjacent property owners 14 days prior to the public hearing.

The Board discussed the matter and agreed that Mr. Leemasters should simply abide by the large scale development requirements; Ms. Lucas pointed out that Mr. Leemasters had agreed to do so.

Ms. Pope informed Mr. Leemasters that he would have to inform his subcontractors that the project was on hold until he had completed the large scale development process.

Mr. Kneebone stated that if the building was going to be utilized by the public, it needed to be inspected for safety. Mr. Borman said that the Board needed to stay consistent with what had been done in the past.

Ms. Pope pointed out the aerial photograph she had shown was from 2006 and that the building was not in the photograph. She stated that one of the conditions of approval for this project may be that the applicant has to purchase a building permit for the building, since the Benton County building inspection ordinance was passed in 2005. Ms. Pope asked Mr. Leemasters to set a time to come to the Planning Office; they agreed to meet on Friday of that week.

Mr. Sorey asked if Staff had an extra copy of the Spanker Creek Craft Fair project; Ms. Pope stated that she did and pointed out that they had done a full large scale development. Mr. Sorey stated that it would be simpler for Mr. Leemasters; Ms. Pope agreed.

- Submit a large scale development application, including a professional site plan and proof of adjacent property owner notification

2. Large Scale Development - **Fairmount Fire Station** - 15042 Fairmount, Siloam Springs - Clark Consulting

Steve Clark of Clark Consulting at 3715 Business Drive, Fayetteville, represented the large scale development.

Ms. Pope showed photographs of the site, pointing out that the mobile home in the photographs will be removed. She noted that the applicant had submitted "above and beyond what we have required for fire stations." She stated that the project is on the Allen Canning Company's property; she asked if the fire station would be leasing the property. Mr. Clark stated that Allen Canning Company is actually building the fire station and the volunteer firefighters will utilize it. He stated that the Gallatin Fire Department is currently operating out of another building owned by Allen Canning Company.

Ms. Pope stated that her only concern is the floodplain and said that the structure would have to be built above the elevation of the 100-year flood. Mr. Clark stated that he understood that and that the current site plan shows the finished elevation of the occupied space to be 2 ½ feet above the existing ground. He explained that this will actually be about five feet above the level of the floodplain where it crosses Fairmount Road. He stated that he was confident that they are well above the 100-year floodplain.

Mr. Borman asked that Mr. Clark ensure that they are "clear of Siloam Springs' water line that runs through there up Water Tower Road and up through there," then stated Mr. Clark would need to obtain the approval of Siloam Springs regarding the water line. Mr. Clark assured the Board that they are well away from the water line.

Ms. Pope asked if there would be a bathroom in this building; Mr. Clark stated that there would be two bathrooms. Ms. Pope informed him that Staff would need a copy of the Health Department approval of the septic system for this building; Mr. Clark stated that he understood and agreed to provide it.

Mr. Borman asked if Siloam Springs would provide water to the site; Mr. Clark stated that that is one of the "details that has to be worked out, but presumably... right now they're providing... there's existing meters that serve that trailer. We're assuming that they will continue to provide service to us."

Ms. Pope asked if there was an existing septic system on-site; Mr. Clark stated that he was presuming that there is, since there is a trailer on-site. Ms. Pope cautioned that the Health Department may be leery of issuing a septic permit in the floodplain. Mr. Sorey asked how far away the septic system needed to be from the drop-off into the floodplain. Mr. Clark called the Board's attention to the tree line to the right of the trailer; he stated that their south edge does not extend further south than the south edge of the trailer and that the bank is another 25 feet before it drops off to the creek. Mr. Sorey stated that typically, the building should be located 100 feet away from the top bank. Mr. Clark stated that Rebecca (Corbitt) is handling the septic system; Ms. Pope informed him the Staff would need a copy of that approval from the Health Department. Mr. Borman stated that the applicant would also need to adhere to any stipulations that Ms. Corbitt places on the project.

Ms. Pope advised the Board that this building is classified as a critical facility; she stated that FEMA regulations under the National Flood Insurance Program discourage the location of critical facilities in floodplains. She stated that she understood that fire stations are necessary and acknowledged a "Catch-22" in this situation.

Mr. Borman stated that the applicant might have difficulty moving forward with the project if they cannot "get those laterals up and out of the floodplain."

Mr. Kneebone asked if the septic system currently in place for the trailer on the site would be very different from the one required for the fire station. Mr. Borman asked if he had any idea if the current septic system was approved by the Health Department; Mr. Kneebone acknowledged that he did not know. Mr. Borman stated, "And neither do we."

- Ensure that the building is clear of the Siloam Springs water line
- Acquire Health Department approval of the septic system
- Appropriate construction in the floodplain required

3. Final Plat - **Edens Bluff Lake Estates** - Ervin McGarrah Road, Lowell - Engineering Services, Inc.

Jim Harrelson of Engineering Services, Inc. represented the final plat application. He apologized for leaving the symbol off of the legend for the fire hydrants.

Ms. Pope showed photographs of the site; she stated the roads would be private and were not proposed for public maintenance. She said that everything is ready, but that they need to submit a private road disclosure statement. She verified that the project has received the approval of the City of Lowell; Mr. Harrelson stated that it has. Ms. Pope asked if the project was going to the City of Lowell's council for approval; someone on the audience answered that it did not need to. Ms. Pope clarified that the project had received the approval of Lowell's Planning Board; Mr. Harrelson stated that that was the case.

Ms. Pope asked if the lots would have individual septic systems; Mr. Harrelson stated that they would.

Mr. Sorey asked if there were any other issues; Ms. Pope stated that all issues had been addressed. Mr. Sorey asked for any Board comments. Mr. Kneebone stated that the septic systems on the Lake concerned him; a man answered that there would only be 12 septic systems and pointed out that the original plan was for three high-rise condominiums.

Mr. Sorey asked the man to come to the podium and introduce himself; Steve Lewis of 10878 Ervin McGarrah Road, reiterated that there would only be 12 septic systems and that the original proposal was for three high-rise condominiums.

Mr. Borman asked the people present not to get into a debate, since there is a great difference between a septic system and a decentralized sewer system. He stated the septic systems along the Lake also concern him, especially since it does not require ADEQ permitting. He noted that there were several stipulations that would have to be adhered to on each individual lot in regard to the septic systems, but he said that that had already been outlined to the owners.

Mr. Sorey asked about the total number of lots being platted compared to the original layout of the property; Mr. Lewis answered that it was half of what was originally proposed. Mr. Sorey pointed out that the Board had approved the preliminary plat and asked for any further comment. Ms. Pope assured the Board that, on each lot, when a

building permit is applied for, Health Department approval of the septic system will be required before a permit is issued.

- Add the symbol to the legend for the fire hydrants
- Submit private road disclosure statement

4. Preliminary Plat - **Victorian Homes Estates** - 12019 West Highway 72, Centerton - Project Design Consultants

Art Scott of Project Design Consultants represented the project.

Ms. Pope showed photographs of the site; she stated that this was a project that had been started and stopped, and then was taken over by the bank. She clarified with Mr. Scott that the bank is still the present owner; he stated that the bank does own the property. Ms. Pope stated that this project is within the City of Centerton's planning area and that the streets had been put in, but that some remained unpaved. Mr. Scott stated that only about 100 feet was unpaved where the road connected to Walter Road, a gravel County road.

Mr. Sorey asked when Mr. Scott anticipated that the road would be paved; Mr. Scott answered that the project had been slowed by negotiations with the bank and the maintenance provider for the decentralized sewer system. He stated that the negotiations had been completed and work would begin again once the weather allowed - probably in about a week. Ms. Pope noted that it would be beneficial to have the paving completed by the Public Hearing meeting; Mr. Scott did not believe that it would be feasible.

Mr. Borman asked if a copy of the operation and maintenance agreement for the decentralized sewer system had been provided to Staff yet; Ms. Pope stated that it had not been. Mr. Scott stated that Aqua Tech Systems would be the company handling the decentralized sewer system. Mr. Borman asked that the applicant provide a copy of the O & M agreement to Staff; Ms. Pope asked for the ADEQ approval. Mr. Borman added that the applicant needed to submit a copy of the ADEQ permit.

Ms. Pope stated, "Please be aware that that has to be commissioned and fully operable before we'll sign the plat."

Mr. Sorey informed Mr. Scott that what the Board has done in the past concerning unfinished roads and other improvements was to require that a completion bond be posted. Mr. Scott stated that the applicant wanted to acquire an extension of the preliminary plat, since the project had been stopped and restarted. Ms. Pope clarified that the applicant was not seeking final plat approval; Mr. Scott stated that they were not seeking final plat approval at this time since there are several unfinished aspects of the project.

Mr. Borman asked of the drip irrigation system had been installed; Mr. Scott stated that it was not and it would probably be a couple of months.

Mr. Sorey stated that the Board would "be happy to hear this for an extension in two weeks." He asked if Mr. Scott had had a question regarding the City of Centerton's

planning boundaries and going through their process. Mr. Scott stated that the applicant had assumed that they would be going through Centerton. Mr. Sorey asked Mr. Scott to stay until the end of the meeting so that this issue could be clarified.

- Provide a copy of the operation and maintenance agreement with Aqua Tech Systems for the decentralized sewer system to Staff before final plat
- Provide a copy of the ADEQ permit and approval of the decentralized sewer system to Staff before final plat
- Complete infrastructure installation before final plat

5. Final Plat - **Prairie Meadows** - Keck Road, Siloam Springs - Civil Engineering

Justin Bland of Civil Engineering Incorporated represented the final plat application.

Ms. Pope stated that this project is right outside the City of Siloam Springs, so it is within their planning area. She stated that compaction tests had not yet been submitted; Mr. Bland said that they are done and that the applicant would submit those next week.

Ms. Pope asked if the roads were proposed for public maintenance; Mr. Bland stated that they are proposed for public maintenance.

Mr. Sorey asked for Board comments; Mr. Borman asked if everything was done. Ms. Pope answered yes and showed site photographs.

Ms. Pope stated that in order for the Board to approve the project, the applicant must obtain the approval of the City of Siloam Springs.

Mr. Borman asked whether the lots have a wastewater treatment plant or individual septic systems; Mr. Bland answered that they have individual septic systems.

Mr. Sorey stated that it appeared that some finish work needed to be done and that the original design appeared to include curb and gutter; Mr. Bland answered that it was just edge. Mr. Sorey asked if it was concrete edge, since there was a double line on the plan; Mr. Bland stated that they were depicting the edge of the gravel and the edge of the asphalt. Mr. Sorey stated, "If the edge of the gravel is what was originally on the preliminary plat, then the edge of the gravel needs to be flush with edge of the asphalt - it doesn't need to be a drop-off, it needs to be compacted." He stated that the shoulder also needed to be stable enough to not wash out.

Mr. Bland asked if Staff wanted him to bring photographs to the site to show that they had completed the requirements; Ms. Pope stated that Staff would visit the site. Mr. Sorey stated that the Board could make it a stipulation that Staff could handle ensuring that stipulations had been met.

- Submit compaction tests
- Obtain the approval of the City of Siloam Springs

- Finish installation of improvements

6. Preliminary Plat Extension/Final Plat - **Moon Light Valley Subdivision** - Spring Valley and Wildwood Way, Centerton - Civil Engineering

Justin Bland of Civil Engineering Incorporated represented the preliminary plat extension and final plat application.

Mr. Borman stated that after reviewing this project, his biggest concern was the septic approval; adding that there were "a whole lot of conditions on a whole lot of lots out there."

Ms. Lucas asked if the applicant was simply asking for an extension; Mr. Bland stated that they were asking for an extension of the preliminary plat and submitting the final plat. Neither Mr. Borman nor Ms. Lucas was inclined to accept the final plat submission, but both were amenable to granting the extension.

Mr. Borman asked how long the project had remained dormant; Mr. Bland answered that it was several months. Mr. Borman stated that condition 15 on this project stated that "if construction is not started within one year of the affixed date..." and added that the affixed date was from 2006. He stated that he would like to have the applicant have the septic system resurveyed on all of the lots. He stated that the listed conditions should be reviewed, since the condition of the lots may have changed in the interim. Mr. Sorey stated that this process "might be as easy as getting one of the County people out there to look and evaluate their original letter and just reissue that."

Mr. Borman stated that the May 12th, 2006 letter that he was looking at was from Caroline Eastman of the Benton County Health Department. Mr. Sorey agreed that as long as there had not been any major dirt work done on the lots that new test pits would not be necessary.

Mr. Borman reiterated that there were many conditions placed on several lots in the proposed subdivision and that the project had remained dormant for too long.

Ms. Pope showed photographs of the site and noted that there were no shoulders on the road. Mr. Sorey asked about the original road section was; Mr. Gray stated that the road section is intended to have two-foot shoulders.

Mr. Sorey asked if the original road was supposed to have 26 feet of pavement (from edge to edge) and two foot gravel shoulders; Mr. Bland stated that the applicant would look into it. Ms. Pope noted that the minimum requirement is 20 feet wide with 4-foot shoulders. She added that the project is within the City of Centerton's planning area, so they will have the final say on what will be required; she noted that they may require curb and gutter. Mr. Bland stated that the City of Centerton had already approved the preliminary plat with this road cross-section.

Ms. Lucas asked if the approval had been granted in 2006 or more recently. Mr. Bland responded that it had been granted in 2006. Ms. Lucas asked if any of the pertinent rules had changed between 2006 and now; Ms. Pope answered that County rules had not, but

that Centerton may have different standards now. Mr. Bland stated that the applicant had been in contact with the City of Centerton and that they seemed "open to it."

Ms. Pope explained that this project is under the dual-jurisdiction of the City of Centerton and Benton County; the City of Centerton has authority over the construction and design of the project, but Benton County has authority over "maintenance for public purposes".

Mr. Bland asked, "If we can get the letter for the septic updated and address the gravel shoulders, would we still be on schedule for the final plat in two weeks?" Ms. Pope stated that the applicant would have to submit compaction test results; she added that the applicant had the option of bonding the improvements, if the Board allowed it.

Mr. Bland noted that the applicant would be doing a walk-through with Centerton early next week, which might prevent the applicant from proceeding.

- Submit only the preliminary plat extension request (withdraw the final plat approval request).
- Obtain updated septic system approval from the Benton County Health Department.
- Address the issue of the width of the road shoulders
- Submit compactions test results

Old Business:

1. Informal Plat – Eva Meadows - Nicodemus Church Road, Siloam Springs – James Surveying

There was no representation for this project; Mr. Sorey moved it to the end of the agenda and readdressed it after the discussion of Moon Light Valley was concluded. There was still no representation for this project.

Mr. Sorey noted that the Board had already discussed this project at the last TAC meeting, so there was no need to discuss it again.

Ms. Lucas asked if public notification was a requirement when applying for informal plat approval; Ms. Pope stated that it was not required.

Mr. Sorey asked if any revised documentation had been submitted; Ms. Pope stated that no revised documentation had been necessary; the applicant simply needed to pay the necessary fees and appear at the meeting.

Mr. Borman stated that the applicant would have the opportunity to appear at the public hearing meeting; if they choose not to attend the meeting the proposed project will be tabled. Ms. Pope stated that Staff would inform the applicant.

The discussion regarding the Eva Meadows informal plat application was concluded.

Mr. Sorey addressed the topic of dual jurisdiction between Benton County and the cities within Benton County. He stated that Ms. Pope had explained it very well, but he wanted to ensure that everyone was clear on the subject. He stated that the Board is still reviewing "Anything and everything that's in the County," whether or not it is within the planning boundaries of a city. Benton County rules and regulations would apply, especially if there would be maintenance issues. If a project is within the planning area of a city, the developer would also have to go through the city's approval process.

Ms. Pope stated, "The way it works is the city has complete subdivision authority in their planning area, meaning they can approve a subdivision and not necessarily talk to us. We get a review and comment. What's supposed to happen is whenever something comes in their planning area that person is supposed to go to the city and the city is supposed to submit to us - plans - and we submit back to them our review and comment. Now, practically... it doesn't work out that way because the County is the authority which will maintain the roads."

Mr. Sorey asked if developers would then need to go through both processes; Ms. Pope answered that what she would prefer to have happen would be:

1. The developer would submit their application to the applicable city
2. The city would submit the application to the county
3. The developer would appear at the Benton County TAC meeting to receive review and comments
4. Staff would forward the Board's review and comments back to the city
5. The Board's involvement with the project is concluded until the developer applies for final plat approval

Mr. Sorey asked if the final plat process goes through the city if the Board really ever needed to see the project again; Ms. Pope asserted that it depends on whether or not the roads are proposed for public maintenance. Mr. Sorey clarified that if the roads are proposed for public maintenance, Staff wants the Board to review it before it is approved; Ms. Pope indicated her agreement.

Mr. Sorey stated that he was looking at it from the standpoint that anything that is in the unincorporated areas of Benton County and is being filed for record in the circuit clerk's office should have the approval of the Board. He asked if that was what was currently happening, citing the last project as a case in point and noting that it did have all of the County signature blocks.

Ms. Pope stated, "It's really a sticky area because the law favors the cities, but in practicality, it just really doesn't work out that way. For "marital harmony," the cities and the County both need to bless it."

Mr. Sorey stated that from the perspective of a consulting engineer, he has no issue with the dual process, but wanted to ensure that the Board is clear with developers about what that process is. He stated that the Board was not at odds with the cities; he said that the Board wanted to let the cities have the control over projects and give them the authority to control projects. Ms. Pope said that the cities have the authority over projects, but

may not fully realize it; she noted that the City of Centerton does realize its authority and that they are "on the right page." She stated that she is working on arranging a meeting in May of all of the city planning personnel in Benton County to discuss this very issue.

Mr. Sorey addressed the subject of large scale developments; Ms. Pope stated that these are trickier than the subdivisions since not all cities address large scale developments in their subdivision regulations. She stated that for those cities whose subdivision regulations do address large scale development, the process should be the same as for a plat under dual jurisdiction.

Mr. Sorey asked, "If a large scale development is a separate ordinance in the city falls outside of all the platting, all the subdivision regulations, then you're saying they don't have the right to regulate the large scales?" Ms. Pope answered, "If it's not a part of their subdivision regs, no." She noted that, "The tricky part is being a part of their subdivision regs."

Mr. Sorey stated that he had a project that would be submitted as a large scale development; the project is within a city's planning area, but is located in the unincorporated area of the County, so he will be going through the dual processes. He noted that it would be nice to be able to simplify the process and that cities' large scale requirements are usually stricter than the County's.

Ms. Pope stated that this is one of the things that she will address in the meeting with the cities. She said that some of the objectives she hopes to achieve are continuity in the process, determining how to handle fees, and having a rational discussion of planning areas. She pointed out that currently some cities pick and choose what they will and will not regulate; she stated that there ought to be guidelines that the cities abide by to determine what they will and will not regulate.

Ms. Pope offered to let the Board know when the meeting between the County and the cities will be.

Adjournment

The meeting was adjourned at 6:25 p.m.